

REMARKS

Claims 1-3, 5-7, 38, 39, 41, 43, 45, 47, 73, 75, 85-104 and 106-114 are pending. Claims 5-7, 39, 41, 43, 45, 47, 73, 75, 85-89, 93-104, 106, 107 and 109-113 are amended herein. The amendments to these claims are fully supported in the specification as originally filed and do not constitute any new matter. Entry of these amendments is respectfully requested in view of the following remarks.

Examiner's Response to Previous Amendment and Arguments

The Examiner entered Applicants' amendment and arguments filed June 9, 2005, into the application. The Examiner noted that Applicants' amendment of Claims 1-3, 38, 90, 108 and 114 and the cancellation of Claims 40, 42, 44, 46, 72, 74, 84 and 105 overcame the objection to Claims 1-3, 38, 40, 42, 44, 46, 72, 74, 84, 90-92, 105, 108 and 114 as containing non-elected subject matter and overcame the rejection of Claims 38, 40, 42, 44, 46, 72, 84 and 105 as failing to comply with the enablement requirement.

The Examiner further noted the product claims as presented in Claims 1-3, 38, 90-92, 108 and 114 are drawn solely to the elected invention for search and examination and appear to be allowable over the prior art of record. The Examiner further noted that the withdrawn method of use claims (Claims 5-7, 39, 41, 43, 45, 47, 73, 75, 85, 89, 93-104, 106, 107 and 109-113) do not include all the limitations of the allowable product claims since the method of use claims include the compounds (1R,2S)-N-methyl-N-[2-(1-pyrrolidinyl)cyclohexyl]-3,4-dichlorocinnamide and (1S,2R)-N-methyl-N-[2-(1-pyrrolidinyl)cyclohexyl]-3,4-dichlorocinnamide. The Examiner contended that, since these claims are considered to include compounds outside of the scope of the allowable product claims and are not considered commensurate in scope with the allowable product claims, rejoinder of these claim is not permitted.

Applicants have amended herein method of use claims, *i.e.*, Claims 5-7, 39, 41, 43, 45, 47, 73, 75, 85, 89, 93-104, 106, 107 and 109-113, by removing (1R,2S)-N-methyl-N-[2-(1-pyrrolidinyl)-cyclohexyl]-3,4-dichlorocinnamide and (1S,2R)-N-methyl-N-[2-(1-pyrrolidinyl)cyclohexyl]-3,4-dichloro-cinnamide and mixtures thereof from the scope thereof.

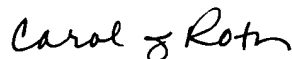
Accordingly, these claims are now commensurate in scope with the allowable product claims. Applicants respectfully request rejoinder of these claims with the allowable product and pharmaceutical composition claims and respectfully request that all currently pending claims, as amended, *i.e.*, Claims 1-3, 5-7, 38, 39, 41, 43, 45, 47, 73, 75, 85-104 and 106-114, be allowed to issue forthwith.

In the event that the Examiner refuses to enter the above amendment and to rejoin the amended claims to the allowable product and pharmaceutical composition claims for allowance, Applicants hereby authorize the Examiner to cancel Claims 5-7, 39, 41, 43, 45, 47, 73, 75, 85, 89, 93-104, 106, 107 and 109-113 in an **Examiner's Amendment**. Applicants reserve the right to file a divisional on any cancelled subject matter.

Applicants believe that the present application is in condition for allowance. In the event that there are any questions, comments or suggestions concerning this amendment or the application in general, the Examiner is requested to telephone the undersigned representative so that allowance of the application may be expedited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



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